

# *Iran*<sup>1</sup>

## FRIENDSHIP AND COMMERCE

*Treaty signed at Constantinople December 13, 1856*

*Ratified by Persia January 16, 1857*

*Senate advice and consent to ratification March 10, 1857*

*Ratified by the President of the United States March 12, 1857*

*Ratifications exchanged at Constantinople June 13, 1857*

*Entered into force June 13, 1857*

*Proclaimed by the President of the United States August 18, 1857*

*Terminated May 10, 1928*<sup>2</sup>

11 Stat. 709; Treaty Series 273<sup>3</sup>

In the name of God the Clement and the Merciful.

The President of the United States of North America, and his Majesty as exalted as the Planet Saturn; the Sovereign to whom the Sun serves as a standard; whose splendor and magnificence are equal to that of the Skies; the Sublime Sovereign, the Monarch whose armies are as numerous as the Stars; whose greatness calls to mind that of Jeinshid; whose magnificence equals that of Darius; the Heir of the Crown and Throne of the Kayanians; the Sublime Emperor of all Persia, being both equally and sincerely desirous of establishing relations of Friendship between the two Governments, which they wish to strengthen by a Treaty of Friendship and Commerce, reciprocally advantageous and useful to the Citizens and subjects of the two High contracting parties, have for this purpose named for their Plenipotentiaries,

The President of the United States of North America, Carroll Spence, Minister Resident of the United States near the Sublime Porte; and His Majesty the Emperor of all Persia, His Excellency Emin ul Molk Farrukh Khan, Ambassador of His Imperial Majesty the Shah, decorated with the portrait of the Shah, with the great cordon blue and bearer of the girdle of Diamonds, &c, &c, &c.

<sup>1</sup> The name "Iran" came into official use by the Government of Persia on Mar. 22, 1935.

<sup>2</sup> Pursuant to notice of termination given by Persia May 10, 1927.

<sup>3</sup> For a detailed study of this treaty, see 7 Miller 429.

And the said Plenipotentiaries having exchanged their full powers, which were found to be in proper and due form, have agreed upon the following articles.

#### ARTICLE I

There shall be hereafter a sincere and constant good understanding between the Government and citizens of the United States of North America and the Persian Empire and all Persian subjects.

#### ARTICLE II

The Ambassadors or Diplomatic agents, whom it may please either of the two high contracting parties to send and maintain near the other, shall be received and treated, they and all those composing their Missions, as the Ambassadors and Diplomatic agents of the most favored nations are received and treated in the two respective countries; and they shall enjoy there, in all respects, the same prerogatives and immunities.

#### ARTICLE III

The citizens and subjects of the two high contracting parties, travellers, merchants, manufacturers and others, who may reside in the Territory of either Country, shall be respected and efficiently protected by the authorities of the Country and their agents, and treated in all respects as the subjects and citizens of the most favored Nation are treated.

They may reciprocally bring by land or by sea into either Country, and export from it all kinds of merchandise and products, and sell, exchange or buy, and transport them to all places in the Territories of either of the high contracting parties. It being however understood that the merchants of either nation, who shall engage in the internal commerce of either country, shall be governed, in respect to such commerce by the laws of the country in which such commerce is carried on; and in case either of the High contracting powers shall hereafter grant other privileges concerning such internal commerce to the citizens or subjects of other Governments the same shall be equally granted to the merchants of either nation engaged in such internal commerce within the territories of the other.

#### ARTICLE IV

The merchandise imported or exported by the respective citizens or subjects of the two high contracting parties shall not pay in either country on their arrival or departure, other duties than those which are charged in either of the countries on the merchandise or products imported or exported by the merchants and subjects of the most favored Nation, and no exceptional tax under any name or pretext whatever shall be collected on them in either of the two Countries.

## ARTICLE V

All suits and disputes arising in Persia between Persian subjects and citizens of the United States shall be carried before the Persian tribunal to which such matters are usually referred at the place where a Consul or agent of the United States may reside, and shall be discussed and decided according to Equity, in the presence of an employé of the Consul or agent of the United States.

All suits and disputes which may arise in the Empire of Persia between citizens of the United States, shall be referred entirely for trial and for adjudication to the Consul or agent of the United States residing in the Province wherein such suits and disputes may have arisen, or in the Province nearest to it, who shall decide them according to the laws of the United States.

All suits and disputes occurring in Persia between the citizens of the United States and the subjects of other foreign Powers shall be tried and adjudicated by the intermediation of their respective Consuls or agents.

In the United States Persian subjects in all disputes arising between themselves, or between them and citizens of the United States or Foreigners shall be judged according to the rules adopted in the United States respecting the subjects of the most favored nation.

Persian subjects residing in the United States, and citizens of the United States residing in Persia shall when charged with criminal offences be tried and judged in Persia and the United States in the same manner as are the subjects and citizens of the most favored nation residing in either of the above-mentioned countries.

## ARTICLE VI

In case of a citizen or subject of either of the contracting parties dying within the Territories of the other, his effects shall be delivered up integrally to the family or partners in business of the Deceased, and in case he has no relations or partners, his effects in either Country shall be delivered up to the Consul or agent of the Nation of which the Deceased was a subject or citizen, so that he may dispose of them in accordance with the laws of his country.

## ARTICLE VII

For the protection of their citizens or subjects and their commerce respectively, and in order to facilitate good and equitable relations between the citizens and subjects of the two countries, the two high contracting parties reserve the right to maintain a Diplomatic Agent at either seat of Government, and to name each three Consuls in either Country, those of the United States shall reside at Teheran, Bender Bushir, and Tauris; those of Persia at Washington, New York and New Orleans.

The Consuls of the high contracting parties shall reciprocally enjoy in the territories of the other, where their residences shall be established, the respect,

privileges and immunities granted in either country to the Consuls of the most favored Nation. The Diplomatic Agent or Consuls of the United States shall not protect secretly or publicly the subjects of the Persian Government, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent.

And it is further understood, that if any of those Consuls shall engage in trade, they shall be subjected to the same laws and usages to which private individuals of their Nation engaged in commercial pursuits in the same place are subjected.

And it is also understood by the High contracting parties, that the Diplomatic and Consular Agents of the United States shall not employ a greater number of domestics than is allowed by Treaty to those of Russia residing in Persia.

#### ARTICLE VIII

And the high contracting parties agree that the present Treaty of Friendship and Commerce cemented by the sincere good feeling, and confidence which exists between the Governments of the United States and Persia, shall be in force for the term of ten years from the exchange of its ratification, and if before the expiration of the first ten years neither of the high contracting parties shall have announced, by official notification to the other, its intention to arrest the operation of said Treaty, it shall remain binding for one year beyond that time, and so on until the expiration of twelve months, which will follow a similar notification, whatever the time may be at which it may take place; and the Plenipotentiaries of the two high contracting parties further agree to exchange the ratifications of their respective Governments at Constantinople in the space of six months or earlier if practicable.

In faith of which, the respective Plenipotentiaries of the two high contracting parties have signed the present Treaty and have attached their seals to it.

Done in duplicate in Persian and English, the thirteenth day of December one thousand eight hundred and fifty six, and of the Hijéreh the fifteenth day of the moon of Rebiul Sany one thousand two hundred and seventy three at Constantinople.

CARROLL SPENCE

[SEAL]

EMIN UL MOLK FARRUKH KHAN

[SEAL]